

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

June 23, 2009

No. 08-50561
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE LUIS SANDOVAL-AVALOS,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:08-CR-15-ALL

Before HIGGINBOTHAM, BARKSDALE, and ELROD, Circuit Judges.

PER CURIAM:*

Jose Luis Sandoval-Avalos (Sandoval) appeals the sentence imposed following his guilty plea to illegal reentry. Sandoval argues that his within-guidelines sentence was unreasonable because it was greater than necessary to effectuate the sentencing goals of 18 U.S.C. § 3553(a). In this regard, he contends that the application of U.S.S.G. § 2L1.2 overstated the risk of recidivism and the risk of danger posed by his illegal reentry offense and, additionally, that the advisory guidelines range was too severe because it did not

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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accurately reflect the seriousness of his illegal reentry offense and failed to account for the circumstances surrounding his offense. Employing the plain error standard of review and finding no error, we affirm. *See United States v. Mares*, 402 F.3d 511, 520-21 (5th Cir. 2005).

The district court sentenced Sandoval at the bottom of the advisory guidelines range. In so doing, the district court paid particular attention to Sandoval's high criminal history category. Sandoval had a criminal history category of VI, which included a prior 2003 illegal reentry conviction. The district court also considered Sandoval's personal history and his expressed intention not to return to the United States. We reject Sandoval's attempt to minimize the severity of the offense of illegal reentry, noting that his repeated reentry into this country has resulted in his commission of various felonies and misdemeanors.

AFFIRMED.